

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, AS EXECUTRIX OF	:	
THE ESTATE OF HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL
DEMANDED	:	

PLAINTIFF'S MOTION FOR LEAVE OF COURT
TO DEPOSE GILBERT STANLEY

AND NOW, COMES, Plaintiff, Dorothy Stanley, Executrix of the Estate of Helen A. Runge ("Plaintiff"), by and through her counsel, and requests leave of Court to take a videotaped deposition of Gilbert Stanley in this case pursuant to Federal Rule of Civil Procedure 30:

1. Plaintiff anticipates that Gilbert Stanley, a key witness for Plaintiff and co-executor of the Estate of Helen A. Runge, will be unable to attend or provide testimony at the trial due to his current health.

2. Mr. Stanley resides in North Carolina, while the trial scheduled in this matter will occur in Boston, Massachusetts.

3. Mr. Stanley's pulmonary fibrosis has advanced to the point that he is required to be on continuous oxygen, has extreme difficulty ambulating because of his lack of strength and is unable to provide for his activities of daily living.

4. Mr. Stanley was deposed by Defendants in this matter, however, at that time, Plaintiff anticipated that Mr. Stanley would be available for trial and did not cross-examine Mr. Stanley.

5. The parties have not stipulated to a second deposition of Mr. Stanley.

6. Due to the state of Mr. Stanley's health, Plaintiff respectfully requests that she be permitted to take a second deposition, now including a video deposition of Mr. Stanley, for use at trial.

7. In support of the instant Motion, Plaintiff incorporates her Memorandum of Reasons In Support of Motion for Leave of Court to Depose Gilbert Stanley.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Motion for Leave of Court to Depose Gilbert Stanley.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: June 2, 2008

By /s/ Glenn R. Davis
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Attorneys for Plaintiff, Dorothy Stanley,
Executrix of the Estate of Helen A. Runge

LOCAL RULE 7.1 CERTIFICATION

I, Glenn R. Davis, counsel for Plaintiff, certify that we have contacted counsel for Defendants Kelly and Sunbridge regarding Plaintiff's Motion for Leave of Court to Depose Gilbert Stanley. Counsel for Defendant Sunbridge and counsel for Defendant Kelly do not assent to this Motion.

Dated: June 2, 2008

/s/ Glenn R. Davis
Glenn R. Davis

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

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Dated: June 2, 2008

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